



W.P.(MD)No.29207 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.(MD)No.29207 of 2022

and

W.M.P.(MD)No.23147 of 2022

1.Biram Baig

2.A.Mohamed Farith Baig

... Petitioners

Vs.

1.The Chairman,

Tamil Nadu Wakf Board,
No.1, Jaffer Sarangi Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Chief Executive Officer,

Tamil Nadu Wakf Board,
No.1, Jaffer Sarangi Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

3.The Superintendent,

Tamil Nadu Wakf Board,
Town Hall Road Mosque 2nd Floor,
Madurai-625 001.

4.Janab. M.Abdul Kaboor

5.Janab. I.Jaffer Sathick

6.Janab. Sulaiman Ariff

...Respondents



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Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to initiate an appropriate action against the 4 to 6 respondents for their unilateral act of electing the posts of President, Secretary and Treasurer to administer Begambur Mosque and Dharga among the elected 3 members themselves who are from the permanent residents of Begambur who are having Mohamadan Faith by ignoring and without getting consent of the other two elected committee members from Hugdars herein ourselves and consequently to declare the elected posts of President, Secretary and Treasurer by the 3 members who are shown Sl.No.1 to 3 in the order dated 03.11.2022 in proceedings No.nr.K.Miz:13865 / 09 / M8 / jp.fy; as illegal and consequently to set aside all these posts and further issue suitable direction to other 3 committee members to co-operate with other 2 committee members who belongs to Hugdars in all the decision and during passing of any resolution and all other activities and proceed further only with the consent of the 2 elected committee member of Hugdars.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : No Appearance

ORDER

Heard Mr. V.R.Venkatesan Learned Counsel for the Petitioner and perused the materials placed on record, apart from the pleadings of the Petitioner.

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2. When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Proceedings in Chae.Mu.Order. 13865/09/Aa8/Thi.Kal, dated 03.11.2022 passed by the Second Respondent, which is impugned in this Writ Petition, by filing an application under Section 83 of the Waqf Act, 1995, before the Tamil Nadu Waqf Tribunal, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 15.12.2022, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.01.2023

Index : Yes/No
Internet : Yes/No
NCS : Yes/No
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P.D.AUDIKESAVALU,J.

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To

- 1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Sarangi Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
- 2.The Chief Executive Officer,
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- 3.The Superintendent,
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